

REMARKS

This amendment responds to the office action mailed August 19, 2005. In the office action the Examiner:

- rejected claims 35-54 under 35 U.S.C. 101 as being directed to non-statutory subject matter;
- rejected claim 35 under 35 U.S.C. 102(b) as anticipated by Wang et al. (US 6,826,613); and
- rejected claims 36-54 under 35 U.S.C. 103(a) as being unpatentable over Wang et al. (US 6,826,613) in view of Thomas (US 5,838,970).

After entry of this amendment, the pending claims are: claims 35-54.

Overview of Claims Amendments

Claims 35, 36 and 45 have been amended to clarify that the claimed aggregating operations are performed at a file switch, which couples a group of file servers to a group or plurality of client computers. Support is found in the specification on pp. 29-30. Claims 35 and 36 have been amended to clarify that the method is computer-implemented. Support is found in the specification on pp. 21-22. Claim 36 has been amended to be an independent claim and, after entry of the present reply, includes some, but not all, of the limitations contained in claim 35. New claim 55 has been added. It includes some, but not all, of the limitations contained in claim 46. These amendments, therefore, do not constitute new matter.

35 U.S.C 101 Rejection

In the present Office Action, the Examiner has rejected claims 35-54 as being directed to non-statutory subject matter. The Applicants respectfully disagree and traverse.

After entry of the present reply independent claims 35 and 36 include the clarification in their preambles that the method is computer-implemented. Independent claim 45 already includes the limitation of a “processing unit configured to execute computer programs” and “an aggregation module including one or more computer programs.” Per MPEP 2106 IV.1(a), these independent claims include physical devices that are used to perform operations. As such, these independent claims include structural and functional interrelationships between hardware and software that permit the operations to be realized.

These independent claims, therefore, are statutory. Since dependent claims 37-44 and 46-54 include the limitations of their parent claims, these claims are also statutory. Removal of this ground for rejection is requested.

35 U.S.C 102(e) Rejection

In the present Office Action, the Examiner has rejected claim 35 as being anticipated by Wang et al. The Applicants respectfully disagree and traverse.

While the Examiner has identified the switch fabric 226 of Wang et al. as a “file switch,” the applicants disagree with this characterization, since the switch in Wang is simply a pass through device, or routing switch, which does not perform the operations of the “file switch” recited in the pending claims of this invention. Nevertheless, applicant addresses specific aspects of the pending claims that are not taught by Wang et al.

As amended, claim 35 includes the limitation that the aggregating operations are performed at the file switch. Wang et al. neither teaches nor suggests aggregating directories or file objects at a switch. In particular, full or half-handoffs between devices in Wang et al. are determined at the file storage devices 130, 135, 236, not at the switch 226 (see, for example, col. 7, lines 35-46 and col. 12, line 63-col. 14, line 47). As such, the switch in Wang et al. does not perform directory aggregation, nor does it perform file object aggregation. Wang et al., therefore, do not anticipate this claim. Removal of this ground for rejection is requested.

It is noted that the Examiner addressed only claim 35 in the rejection under 35 U.S.C. 102(e).

35 U.S.C 103(a) Rejection

In the present Office Action, the Examiner has rejected claim 36-54 as being unpatentable over Wang et al in view of Thomas. The Applicants respectfully disagree and traverse.

As amended, independent claims 35, 36 and 45 require the aggregation functions to be performed at the file switch. As discussed above, Wang et al. neither teaches nor discloses this limitation. In addition, Thomas does not disclose or teach this limitation. As a consequence, the cited combination does not achieve all the limitations of the pending claims.

The cited combination is not, therefore, *prima facie* obvious. Since the dependent claims include the limitations of their parent claims, the dependent claims are also non-obvious with respect to the cited combination. Removal of this ground for rejection is requested.

With respect to claims 36, 46 and 55, the applicant traverses the Examiner's rejection and the Examiner's assertion that Thomas, in columns 9 and 15, teaches "applying [a] set of name-mapping rules to [a] user path name to generate a server path name." In fact, what Thomas teaches in column 9 (location repository) is a structure or table for mapping objects to specific storage locations, and in column 15 (implementation repository) Thomas teaches a structure for mapping object types to storage locations of the executable procedures associated with each object type. In neither of these examples is a "user path name" mapped to a "server path name." It is noted that the term "path name" is well known in computer science. A "path name" is typically defined to mean "a file name specifying all directories leading to a file" (AIX documentation, IBM) or "a series of directory names, separated with slashes (/), that specifies the location of a file" (Solaris documentation, Sun Microsystems). The object identifiers in Thomas do not have a "user path name", or any other path name.

Further with respect to claims 36, 46 and 55, it is noted that the terms "user path name" and "server path name" have specific meanings in these claims. In particular, these claims specify that the "user path name" is included in a file access transaction received by the file switch from a client, and the server path name is used in a file access transaction performed by the file switch (i.e., on behalf of the client).

Even further, since the switch fabric of Wang et al. is a pass through switch that forwards client and server communications to each other, end to end, there is no logical basis and no motivation provided within Wang et al. or Thomas for combining the object and object type mapping features of Thomas into the switch fabric of Wang et al. The object and object type mapping features of Thomas are incompatible with the switch fabric of Wang et al., because such object and object type mapping would require inspection and modification of the content of the client-server communications, which is far beyond and contrary to the relatively simple routing function of the switch fabric in Wang et al.

As demonstrated above, claims 35 and 45, and claims 36, 46 and 55 include limitations that are neither taught nor suggested by the combined teachings of Wang et al in view of Thomas. Withdrawal of the rejections under 35 U.S.C. 103 is respectfully requested.

Prior Art Made of Record

In the present Office Action, the Examiner indicated that several references (CSA Persistent File System Technology, US 5,590,320, US 6,922,688, US 5,692,180, US 5,218,695 and US 6,757,706) not relied upon are considered pertinent to the present application. Under 37 CFR 1.111(b), "(t)he reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references" (emphasis added). It is respectfully noted that the office action did not apply any of these listed references to any of the pending claims. Nevertheless, the applicant observes that these references do not disclose or teach all the limitations of the pending claims.

Conclusion

In light of the above amendments and remarks, the Applicant respectfully requests that the Examiner reconsider this application with a view towards allowance. The Examiner is invited to call the undersigned attorney at (650) 843-7501, if a telephone call could help resolve any remaining items.

Respectfully submitted,

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